

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO GOICOCHEA,  
  
Petitioner,  
  
v.  
  
WARDEN,  
  
Respondent.

No. 2:23-cv-02505-DC-JDP (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
HABEAS PETITION

(Doc. No. 9)

Petitioner Antonio Goicochea is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 12, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed without prejudice due to Petitioner's failure to prosecute and failure to comply with court orders. (Doc. No. 9.) In particular, Petitioner failed to comply with the court's January 24, 2024 order directing him to file an amended § 2241 petition (Doc. No. 6) and failed to respond to the court's July 12, 2024 order to Petitioner to show cause why this action should not be dismissed (Doc. No. 8). In addition, the service copy of the July 12, 2024 order, which was mailed to Petitioner at his address of record, was returned to the court on July 25, 2024 marked as "Undeliverable, no longer here." Thus, pursuant to Local Rule 183, Petitioner was required to file a notice of his change of address with the court no later than

October 3, 2024, and he has not done so.

The pending findings and recommendations were served upon the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) The service copy of the findings and recommendations, which was mailed to Petitioner at his address of record, was also returned to the court marked as “Undeliverable, [Return to Sender].”<sup>1</sup> To date, no objections to the pending findings and recommendations have been filed and the time in which to do so has passed.

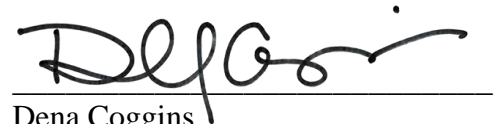
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the pending findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on August 12, 2024 (Doc. No. 9) are adopted in full;
2. The petition for writ of habeas corpus (Doc. No. 1) is dismissed, without prejudice;<sup>2</sup>
3. Respondent’s motion to dismiss (Doc. No. 7) is denied as having been rendered moot by this order; and
4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **November 8, 2024**

  
Dena Coggins  
United States District Judge

<sup>1</sup> The court notes that according to the U.S. Bureau of Prisons Inmate Locator, Petitioner was released from BOP custody on February 1, 2024. See <https://www.bop.gov/inmateloc/>.

<sup>2</sup> Because petitioner is a federal prisoner bringing a § 2241 petition, a certificate of appealability is not required. See *Harrison v. Ollison*, 519 F.3d 952, 958 (9th Cir. 2008) (“The plain language of [28 U.S.C.] § 2253(c)(1) does not require a petitioner to obtain a COA in order to appeal the denial of a § 2241 petition.”).